

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.2789 OF 2004

Maharashtra General Kamgar
Mahasangh Petitioner
Vs.
Gripp Tools Pvt. Ltd. & Anr. Respondents

Shri N.M. Ganguli for the Petitioner.

Shri P.S. Chavan for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: SEPTEMBER 08, 2004

P.C:

Heard the learned Advocates for the parties.

Though the impugned order is sought to be challenged on various grounds, it is not necessary to address to all those grounds as in the course of the arguments, by consent, it was agreed that the impugned order be set aside without expressing any opinion by this Court and remanding the matter to the Industrial Court to decide the point regarding absence of the employer-employee relationship raised by the respondents afresh in accordance with the provisions of law and bearing in mind the law laid down by the Apex Court in **Vividh Kamgar Sabha v. Kalyani Steels Ltd. & Anr.**, reported in 2001 I CLR 532 and **Cipla Ltd. v.**

Maharashtra General Kamgar Union, reported in 2001 I CLR 754 as well as by this Court in **Hindustan Coca Cola Bottling S/W Pvt. Ltd., Mumbai and another v. Bhartiya Kamgar Sena, Mumbai and others**, reported in 2002 (1) Mh.L.J. 559. Accordingly, by consent the impugned order is set aside and the matter is remanded to the Industrial Court to decide the said point in accordance with the provisions of law and after hearing the parties as expeditiously as possible and in any case within a period of fifteen weeks from the date of receipt of the writ of this Court. Order accordingly. The petition stands disposed of.
